

IN RE:)	
)	
VACATIONS 4 U, LLC,)	CASE NO. 3:23-bk-01229
)	CHAPTER 7
Debtor.)	JUDGE WALKER
)	
)	
)	
JOHN C. MCLEMORE, TRUSTEE,)	
)	
Plaintiff,)	
)	
v.)	ADV. NO. 3:24-ap-90136
)	
BYZFUNDER NY LLC,)	
)	
Defendant.)	

To the Defendant(s): YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorneys.

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If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.
YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place:

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF TENNESSEE Please visit the Court's website at www.tnmb.uscourts.gov for information regarding Judge Walker's Procedures prior to the hearing date.	COURTROOM 2 (or Virtual Hearing if allowed; see website for details)
	DATE & TIME 12/18/2024 11:15 A.M.

If you fail to respond to this summons, your failure will be deemed to be your consent to entry of a judgment by the bankruptcy court and judgment by default may be taken against you for the relief demanded in the complaint.

To the Plaintiff(s): You must serve this Summons and Notice of Pretrial Conference together with the complaint no later than 7 days after the issuance date shown below. If more than 7 days pass before service is completed, a new summons must be requested and served.

10/21/2024
Issuance Date

/s/ Teresa C. Azan
Clerk of the Bankruptcy Court

By: /s/ Lauren Quarles
Courtroom Deputy Clerk



CERTIFICATE OF SERVICE

I, _____ certify that service of this summons and a copy of the complaint was made _____ by:

☐ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

☐ Personal Service: By leaving the process with the defendant or with an officer or agent of defendant at:

☐ Residence Service: By leaving the process with the following adult at:

☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

☐ Publication: The defendant was served as follows: [Describe briefly]

☐ State Law: The defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly]

☐ If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____

Signature _____

Print Name:

Business Address:

United States Bankruptcy Court
Middle District of Tennessee

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PRELIMINARY PRETRIAL ORDER

The party responsible for serving the summons shall, along with the summons, serve a copy of this Preliminary Pretrial Order on all parties.

COUNSEL FOR ALL PARTIES ARE ORDERED to confer with all opposing counsel and pro se parties at least seven (7) days before the pretrial conference, and together prepare in writing and file **no less than five (5) days prior to the pretrial conference**, a **JOINT DOCUMENT**, captioned **"PRETRIAL STATEMENT"** containing the following:

FOR PLAINTIFF

1. A brief statement of each claim or cause of action.
2. A brief summary of plaintiff's contentions of fact in support of each claim or cause of action and the evidence to be relied upon to establish those facts.

FOR DEFENDANT

1. A brief statement of each defense.
2. A brief summary of defendant's contentions of fact in support of each defense and the evidence to be relied upon to establish those facts.

FOR THE INTERVENOR(S), THIRD-PARTY PLAINTIFF(S), (DEFENDANTS), ETC.

1. A brief statement of each claim, cause of action or defense.
2. A brief summary of facts in support of each claim, cause of action or defense, and the evidence to be relied upon to establish those facts.

FOR ALL PARTIES

1. A statement of all admitted or uncontested facts.
2. Each party's brief statement of contested facts.
3. Each party's brief statement of contested legal issues.

All of the above is to be incorporated in one document which is to be signed by all attorneys and pro se parties prior to the filing.

The attached Joint Preliminary Pretrial Conference Worksheet is to be completed and attached to the Joint Pretrial Statement and submitted two (2) business days prior to the Pretrial Conference pursuant to Local Rule 9013-3(1). (See Exhibit A)

Failure to comply with this order may result in dismissal of the action, default, the assessment of costs and attorneys' fees or other appropriate remedies.

ORDERED this 21st day of October, 2024.

/s/ Charles M. Walker
U.S. BANKRUPTCY JUDGE

EXHIBIT A

HON. CHARLES M. WALKER
JOINT PRELIMINARY PRETRIAL CONFERENCE WORKSHEET
PRETRIAL CONFERENCE DATE: _____

CASE NO. _____ ADV. NO. _____

CASE NAME: _____

Attorney for Plaintiff: _____

Attorney for Defendant: _____

Rule 26 Disclosure by: _____

Discovery by: _____

Expert Reports by: _____

Dispositive Motions by: _____

Response @ 21 days: _____

Reply @ 21 days: _____

Hearing set upon the Court's discretion

Proposed Trial Dates: _____ @ _____
_____ @ _____
_____ @ _____

Final Pretrial Conference will be held on the Wednesday docket before trial, or on such other date as set by the Court.

Exhibits, Stipulations, Briefs: Five (5) days before Trial: _____

Motions seeking continuance must be filed at least three (3) business days prior to the scheduled PTC, and seven (7) business days prior to trial date.

Requests for Mediation must be made by motion.

This Worksheet is to be completed and attached as an Exhibit to the Joint Pretrial Statement. and filed two (2) business days prior to the Pretrial Conference pursuant to Local Rule 9013-3(1).